

B104 (FORM 104) (08/07)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS ANTONIO RODRIGUEZ-MORALES MARIA LUISA RAMOS-RODRIGUEZ	DEFENDANTS WESTERN UNION FINANCIAL SERVICES, INC.	2012 SEP 25 PM 2:01 12 ATTORNEYS (If Known) KNOWN
ATTORNEYS (Firm Name, Address, and Telephone No.) ENRIQUE GONZALEZ MARTI (787) 738-6212 PO BOX 372347 cayey, pr 00737-2347		
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input checked="" type="checkbox"/> Other Service Company <input type="checkbox"/> Trustee for debtor	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) INJUNCTION AS EQUITABLE REMEDY, UNDER BANKRUPTCY RULES OF PROCEDURE-7001 (7) TO PRODUCE INFORMATION ON RECEIPE OF PAYMENTS THROUGH DEFENDANTS SERVICES.		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other	
FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property	FRBP 7001(7) – Injunctive Relief <input checked="" type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other	
FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)	FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest	
FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)	FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment	
FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation	FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause	
FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny (continued next column)	Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa et.seq. <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)	
<input type="checkbox"/> Check if this case involves a substantive issue of state law	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23	
<input type="checkbox"/> Check if a jury trial is demanded in complaint	Demand \$	
Other Relief Sought		

RECEIVED AND FILED

B104 (FORM 104) (08/07), Page 2

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR ANTONIO RODRIGUEZ, MORALES MARIA LUIS RAMOS- RODRIGUEZ	RANKRUPTCY CASE NO. 12-00886-13 / 12-02970-13	
DISTRICT IN WHICH CASE IS PENDING PUERTO RICO	DIVISION OFFICE	NAME OF JUDGE BRIAN K. TESTER
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE <i>Sept. 25/2012</i>	PRINT NAME OF ATTORNEY (OR PLAINTIFF) ENRIQUE GONZALEZ-MARTI (ATTORNEY)	

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

UNITED STATES OF BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

2012 SEP 25 PM 2:00

U.S. BANKRUPTCY COURT
FOR THE DISTRICT OF
PUERTO RICO

IN RE:

ANTONIO RODRIGUEZ-MORALES

CASE NUM: 12-00886 -13 BKT

MARIA L. RAMOS- RODRIGUEZ

CHAPTER 13

Debtors

ANTONIO RODRIGUEZ-MORALES
MARIA L. RAMOS- RODRIGUEZ

Vs.

WESTERN UNION FINANCIAL SERVICES, INC.

Adv. No _____

Mandatory Injunction: Bankruptcy
Rules of Procedure Sec.7001-7004,
Federal Rules of Civil Procedure-
Rule 65. (Non-Stay Injunction)

ADVERSARY PROCEEDING

COMPLAINT

(P) TO THE HONORABLE COURT:

Comes now the debtors in the above captioned bankruptcy case and Very
Respectfully and alleges and prays:

I-THE PARTIES

1-Plaintiff-Antonio Rodriguez Morales and Maria Luisa Ramos, debtors in the above

2-

captioned Bankcrucy Cases Number 12-0086-13 and 12-02970-13.

2-Defendant-Western Union Financial Services, Inc., corporación doing business in Puerto Rico.

Address Registered Department of State of PR:

6200 S. Quebec Street, Colorado 80111

C/O FGR Corporate Services, Inc., CCV Tower, 8th Floor, 254 Muñoz Rivera Ave.

San Juan, PR 00918

II-JURISDICTION AND VENUE

1-Jurisdiction is invoked in the instant case persuant to Part VII of Bankcrupcy Rules of Procedure, specifically Sec.7001 (7) and Sec. 7004 and the Federal Civil Procedure Rules, as modified by such VII Part. Secc. 7001 (7) permits for a part in a banckrupcy to obtain injunctive relieve or other equitable relief and Sec. 7004 -7087 establishes the pleading process. Also, persuant to T. 28 USC 1334 (a)(b)((c)(1).

III-GENERAL ALLEGATIONS

A-The debtors in Banckrupcy Joinded Cases No. 12-0086-13 and 12-02970-13 made their mortgage payments to Citimortgage throught the services of Western Union from 01-23-07 to01-15-11.

B-Citimortgage alleges that the payments were no received and did no credit such payments to their mortgage account.

C-As a a result, Citimortgage file a complaint in the local courts alleging default in the mortgage payments, reuesting to execute thedebtors mortgage and

3-

obtained the corresponding Decree in their favor to execute the mortgage.

The case was ready for foreclosure.

D-The debtors filed the Petition to seek the protection under the Bakcrupcy

Code, 11 USC-Chap. 13 in consolidated Bankcrupcy Cases 12-00886-13

and 02970-13 in order to protect their home.

E-In order to confirm if the payments were received or not by Citimortgage,

debtors requested, by Certify Mail, to Westen Union to certify by whom did

received the payments sent by the debtors. A list of the payments, the dates

and the MCTN numbers were included. No answer was received from Western

Union. So, the debtors were not able to confirm the receipt of the payments made.

F-Having no other means to confirm if the paymets were received and by whom,

the debtors now request from the Hon. Court a mandatory injuction, as an

equitable relief, ordering Western Union to inform them, in base of the lists and

MCTN numbers the person or entity who received the payments sent throught

their services as requested in the letter sent to them by this Attorney dated march

8, 2012, included as part of this petition.

IV-RELIEF REQUESTED

WHEREFORE, Plaintiff Very Respectfully requests the Honorable Court to,

previous all legal procedures requiered, to enter an injuctive order directed to the respondent,

ordering Western Union Financial Services, Inc. to inform in writing to the plaintiff the entity

or person who recived the payments sent to Citimortgage throught their cable service

in the following MCTN Number and dates:

4-

MCTN#	DATE
079-192-4771.....	01/23/2007
697-766-7377.....	07/31/2009
284-612-9072.....	10/16/2009
894-456-9620.....	11/16/2009
031-886-3920.....	12/16/2009
381-312-9556.....	01/16/2010
221-942-7918.....	01/16/2010
868-888-0145.....	03/16/2010
798-370-7880.....	04/16/2010
805-423-3570.....	05/15/2010
794-743-1115.....	06/16/2010
089-218-6957.....	07/16/2010
548-813-8845.....	08/16/2010
763-342-0991.....	09/16/2010
333-443-5339.....	10/16/2010
818-955-4308.....	12/16/2010
954-513-5130.....	02/16/2011
314-374-9213.....	01/15/2011

Cayey, Puerto Rico this _____ of September, 2012.

ENRIQUE GONZALEZ MARTI
PO BOX 372347-Cayey, PR 00737-2347
Tel./Fax: 787-738-6212-----Cell. 787-585-8097
E/MAI: egonzalezmarti@gmail.com

ENRIQUE GONZALEZ MARTI
ABOGADO-NOTARIO
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CAYEY, PUERTO RICO 00737-2347

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CELL. 787-585-8097
Email: egonzalezmarti@gmail.com

March 8, 2012

WESTERN UNION FINANCIAL SERVICES, INC.
PO BOX 4430, BRIDGETOWN
MISSOURI 63044

Gentlemen:

Our office has taken the legal representation of Mr. And Mrs. Antonio Rodriguez (xxx-xx-8209 and xxx-xx-6499 repetitively), residents of Calle 10#36, Bda. Polvorín, Cayey, Puerto Rico 00736. This clients sent a number of payments through that Company for varius years to their mortgage bank., Citi Mortgage, Inc. At the legal process we are involved, we need to know and be able to prove who received such payments.

The payments are as follows:

MCTN #	DATE
079-192-4771-----	01-23-2007
697-766-7377-----	07-31-09
284-612-9072-----	10-16-2009
894-456-9620-----	11-16-2009
031-886-3920-----	12-16-2009
381-312-9556-----	01-16-2010
221-942-7918-----	01-16-2010
868-888-0145-----	03-16-2010
798-370-7880-----	04-16-2010
805-423-3570-----	05-15-2010
794-743-1115-----	06-16-10
089-218-6957-----	07-16-10
548-813-8845-----	08-16-10
763-342-0991-----	09-16-2010
333-443-5339-----	10-16-2010
819-955-4308-----	12-16-2010

2-

954-513-5130-----02-16-2011
314-374-9213-----01-15-2011

Please certify who received such money transfers as soon as possible. Also, you can inform us of the cost for such request by the following telephone: 1-787-585-8097

Yours,
Enrique Gonzalez Martí, ESQ.

3715 6668
7011 1570 0002 3715 6668

BRIDGETON MO 63044		MAIL USE	
Postage	\$	\$0.45	0725
Certified Fee		\$2.95	14
Return Receipt Fee (Endorsement Required)		\$2.35	Postmark Here
Restricted Delivery Fee (Endorsement Required)		\$0.00	
Total Postage & Fees	\$	\$5.75	03/13/2012

7011 1570 0002 3715 6668
Sent To: **Western Union Financial Services, Inc.**
Street, Apt. No.,
or PO Box No. **P.O. Box 4430**
City, State, ZIP+4 **Bridgeton, Missouri - 63040**
PS Form 3800 (August 2006) See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Western Union Financial Services, Inc.
P.O. Box 4430
Bridgeton
Missouri - 63040*

COMPLETE THIS SECTION ON DELIVERY

A. Signature	EXPEDITE DSI	
X	<input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
B. Received by (Printed Name)	7011 1570 0002 3715 6668	C. Date of Delivery
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

2. Article Number
(Transfer from service label) **7011 1570 0002 3715 6668**

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540